Receiver Proving Up. The Northwestern Cereal company re-

ceivership hearing is on before Judge Scott

where E. Zabriskie, receiver, is proving up. In this, however, he is having considerable

difficulty, as, according to his own testimony he has incurred a large amount of expense

without first having secured an order of the court. He admits that without informing the court of his action, he hired a bookkeeper,

a custodian and a night watchman, and that their salaries aggregated some \$250 or \$300

Sucs for Attorney's Fees.

KIRKLAND TELLS A PITIFUL STORY

Dying in Poverty.

pose. Both of his parents were dead and their estate had been divided equally be-

tween a brother of his and two sisters. They refused to assist him on account of the

off with the warning that he should not

the Necessary Appropriation.

The meeting of the Board of County Com-

missioners, to be held this morning, is

of the sale of Douglas addition lots.

heet will carry comething over \$200,000, and

be on hand to receive their warrants, but they will have an opportunity of securing them whenever they call upon the county cierk. The claims range from a few dollars up into the thousands, but most of them are

Chalrman Kierstead of the Board of County

commissioners, says that he expects that the

the Douglas addition judgments and claims

He says that the payment of these demands against the county will put fully \$175,000

additional into circulation and that this sum will have a wholesome effect in stimu-

INSPECTING GOVERNMENT BUILDINGS

Colonel Roberts Comes to Look Over

the Work in Omaha.

Colonel E. Roberts of Washington, a gov-

buildings, will be here for several days in-

specting the progress being made in the

finishing of the upper stories of the new

postoffice here, in the government build-

ing on the exposition grounds and on the new postoffice at South Omaha. He was in

the city about two months ago on a similar

tour of inspection.
Colonel Roberts is a close friend of Con-

sul General Fitzhugh Lee at Havana and

speaks highly of his abilities. In the course

of a conversation Colonel Roberts stated that General Lee had been a lieutenant in

the cavalry in the Indian service in the west up to the time that the civil war broke

out, a fact which is not generally known.

The inspector will find Contractor McClou

about ready to rush the work on the upper floors of the federal building. A force of

fifteen men is now employed and some addi

authorities at Washington will let the con-tract for the two electrical elevators today

LONELY MAN DIES LONELY DEATH

Home by Friends.

house at Twenty-fourth and Cuming streets

He worked at the second-hand store of Hansen & Peterson, 2217 Cuming street, and

did not appear for work Monday. When he failed to appear yesterday again Mr. Hunsen went to the house that Campbell

lived in and found him lying dead in bed. The house was unlocked, but no signs of

robbery appeared. Campbell's watch was in his pocket and all conditions indicate that

he came to a natural death. Last Saturday he complained of not feeling well. Sunday he was seen out of his house, but no one can be found who saw him Monday. Campbell came to Omaha last October and

has always lived alone in the little house he was found gead in. He had few ac-quaintances in the city and little can be learned about him. A brother-in-law of the dead man, Carl Wilhelmsen of Minden, Neb.

that he will come to Omaha and take charge

Miss Coffin, secretary of the local civil service board, has received 125 applications

service board, has received 125 applications of persons who desire to take the departmental examination on April 6 and 7. On the former date examinations for positions in the Indian and government printing services will be held and on the other day only applicants for positions in the railway mall services will be examined. The examinations will take place in the workroom of the old federal building.

been telegraphed to and it is expected

Superintendent Latenser expects that the

ion will be made in the near future.

The

now sued.

George E. Pritchett has sued Elizabeth and

Long Distance Trolley Road Projected -Battle Between the Powers in New York Developments in Other Directions.

Word comes from London that the Marsystem of wireless telegraphy, which great results were expected, has been abandoned by its promoters. The syndicate which kept the boom in working order for over a year has arrived at the conclusion that there is no money in it. The fact is, the commercial sapect of this interesting subject led to a fuss long before the improved handling of the old discovery had got beyond the laboratory stage. Big brains are now working upon it and in due course a practical method of utilizing the discovery will probably be

does not depend upon waves, but upon mag-netism, which is independent of obstacles, and he believes it will be applicable to signaling between ships and between the shore and ships. Prof. Lodge's ideas are not for sale to any syndicate.

NOISELESS TELEGRAPHY. The introduction of typewriter machines in telegraph offices, on which operators take down the messages received, has necessi-tated increasing the volume of sound emanating from the sounders in order to make their clicks clearly distinguishable. above the click of the typewriter machine. The result has been that the noise in telegraph offices has in many cases increased to ch an extent as to be a serious menace to

the health of the operators. In order to reduce this noise and to make the received messages entirely secret, the Electrical Engineer reports that a special sounder has been invented. The sounder, which is inclosed in a hard rubber case, is very light, the whole thing, with conduct-ing cord complete, weighing but four ounces. It can be used not only without the slightest inconvenience to the operator, but much to his comfort and advantage, relieving him of all unnecessary nerve and physical strain. It can be attached directly to the main line, where it acts as a combined relay and sounder, giving all the service of both, without any of the disadvantages and annoyances of a main line sounder.

The mechanism of this little instrument is very simple, consisting of a set of electro-magnets of from two to 150 ohms resistance (according to requirements). An in genious arrangement of the armature and lever brings the former in actual centact with the poles of the magnets in such a manner as to double the working force of the armature. The armature lever is provided with hammers, which, in action, strike upon a resonating plate; a shifter or switch at the side of the case draws the hammers from the plate and reduces the sound to a

Owing to the loudness of the sound when the hammers strike upon the resonating state messages may be received with the sounder placed on the table or desk, and in combining to one instrument both a loud and secret sounder. Should it be desire to take a secret message the sounder is a justed from the outside by means of the shifter referred to, which is graded so that the operator may regulate the volume of sound to suit his own ear. This may be from the faintest click to the full volume of the loudest sounder. The instrument is then worn on the head. The case and headband being made of hard rubber insures the

aesing through the line. LONG DISTANCE TROLLEY ROAD. A new air line from Detroit to Toledo is to be built. Work on its construction has already been begun and it is expected to be nished not later than September 1 next though trains may be running over it some time in August. While the road is to be built after the most approved pattern of steam roads, the peculiar feature of it is it will be operated by electricity. In this re-spect it will be remarkable as being the first railroad of any consequence in this country to be operated by this motive power. The Baltimore & Ohio operates its tunnel line in Baltimore with electric motors. This new line, however, throughout its entire length,

will be operated with motors of the same type as are now in use on that short section of a line.

The new road will run trains every hour from 6 o'clock in the morning until 11 o'clock at night. Express trains will be run every alternate hour which will run through with alternate hour, which will run through with-out stop on a schedule time of an hour and a quarter. The road will pass through a territory not now occupied by any railroad and dotted every few miles throughout its entire length by prosperous towns. The en-tire section of country is one of the most thickly populated in the United States. It is aive one of the most fertile and productive The road will be fifty notes long, though about seventy-five miles of track will be laid at the outset. The cost of construction and equipment will be in the neighborhood

STEAM AGAINST ELECTRICITY. An interesting situation is developing in New York City. It is well known that New York has had for years for its size more horse cars than any other city in the country, and that its elevated railroad was hardly a service to which any community with pre-tensions to modern progress could point with pride. This road has for some time been dailying with the question of equipping electrically, but so far there are no signs of such equipment, which, it is understood, is not it favor with the more conservative section of the directorate of the road. In the meantime the elevated railroad company of the city of Brooklyn has followed the enlightened lead ive multiple unit control system, which enables any car to run either itself or any number of cars by electricity at a speed of eighteen miles an hour, without any change of track, rolling stock or elevated structure It seems that this step was made imperative by the success of the surface electric cars in Brooklyn. A question of interest to all municipalities is whether these developments in Brooklyn are to be exactly duplicated in w York, or whether the principal railroad New York, or whether the principal railroad in the first city in America can profitably continue to give the public a transit service which is obviously behind the age, in speed, cleanliness and comfort. Electrical equipments are being rapidly applied to the existing surface roads in New York, and the public are flocking to take advantage of this now service, which, it is said, has added \$3,000 a day to the receipts of one of the tines which have adopted it. This extra custom is, to a large extent, drawn from the elevated road, which stands today in what by some is regarded as the hopeless position of trying to maintain its competition with steam power against the electric lines that will soon be running all over the city. The situation is full of significance to all students

GRANITE TELEGRAPH POLES.

Quite a list of materials have been used for telegraph poles, but the idea of stone for this purpose will be new even to most linemen. It is nevertheless a fact that the measages between Milan and Switzerland, by way of the Simplos Pass, pass over a telegraph line with stone poles. This line runs along the fine military road which skirts the west side of Lake Maggiore. The poles are of gray granite, and gwerage shout its lacker square and treasure five feet high. GRANITE TELEGRAPH POLES.

the problem of rapid transit for large

THE FIELD OF ELECTRICITY

Collapse of the Syndicate Booming Wireless Telegraphy.

BANISHING NOISE IN TELEGRAPH OFFICES

engineering curiosity was told by a telegraph officer that these poles were in use for a distance of thirty miles, and that their cost in position was about \$2 each. The quarries from which the poles were cut are situated from which the poles were cut are situated from which the poles were cut are situated should be a supposed by the town of Stress. Here and there along the line, however, is seen a wooden pole, and the wooden pole is usually new, while the stone poles are invariably old. On seeking for an explanation of this suggestive fact, the traveler was informed that the renewals are now made in wood, the principal cause of dissatisfaction with the principal cause of dissatisfaction with the stone poles being that they did not stand well against any transverse strain due to the pull exerted when tightening the wires.

HORSE KEEP AND MOTOR KEEP. Many persons who have been led by the apparent convenience and economy of the apparent convenience and automobile car to consider the question of its use have been anxious to secure data that could be relied on as to its cost o f operation compared with that of a horse carriage. Hitherto such figures have been carriage. Hitherto such figures have been hard to get at, but they are now presented by M. D. Creuzan. The conditions involved are those existing in France, where there is much activity in horseless carriage development, but the figures, as covering those conditions, are apparently fairly accurate. Under the details of the daily keep of two horses are set down. Food, hay, etc., \$1; litter, 20 cents; smith, 5 cents; harness, 10 cents; rent of stable, 10 cents; veterinary, etc., and repairs to carriage, stable and harness, 23 cents; total, \$1.69. The daily cost of an automoter vehicle, traveling thirty miles in the day, is given as: Six liters petrol, 42 cents; oil, waste, etc., 3 cents; repairs, forthcoming.

Prof. Oliver Lodge, for instance, says he has an entirely new method of telegraphing without wires, which will, he hopes, enable him to send messages long distances. He are to depend upon waves but upon mag. country will doubtless be forthcoming as soon as its use and manufacture are more nearly standardized, but in the meantime the vogue it is enjoying wherever it has been introduced would seem to promise well for its economy, as well as its manifest con-

> · SAVING CARBON ENDS. It is not unreasonable to conjecture that the primitive tallow candle had become a very familiar means of household illumina-tion before it was considered worth while saving the stumps for remelting and it is interesting to note that the arc light has been in commercial use for twenty-five years before it has been found that there is a much better way of dealing with the un-burnt ends of carbon taken from lamps than throwing them away. Regret has often been expressed that carbon prepared with so with so much paids to keep it pure and homogenous as these lighting sticks are could not be scrviceable for some of the many purposes for which charcoal is required, instead of uselessly adding to the litter of city streets. A use has at last been found for it. The foreman of a smith's and woodworking shop in a Philadelphia locomotive works has instructed the man who changes the carbons throughout the works to save the partly consumed pieces and bring them to him daily. After he collects some sixty or seventy stumps he utilizes them for making a small stumps he utilizes them for making a small charcoal fire of great heat and purity, suitable for any kind of special work which will not be perniciously affected by the copper coating on the outside of the carbons. It is believed that this step will be followed by other utilizations of the waste stumps. In cases where the copper coating would be undesirable it might pay, if a large accumulation of stumps could be made, to remove the copper with nitric or sulphuric acid, thus getting an absolutely pure nitrate or sulphate of copper, for either of which there is always a practically unlimited dethere is always a practically unlimited de-

mand in the arts. AUSTIN IS TOUCHED BY THE MUSE. Poet Laurente Writes of the Anglo-American Alliance.

LONDON, March 29 .- All the morning pers give prominence to a poem by Alfred Austin, the poet laureate, which appears inder a brief extract from a New York dispatch recording a feeling in favor of an Anglo-American entente. The poem is as follows:

What is the voice I hear
On the winds of the western sea?
Sentinel, listen, from out Cape Cear,
And say what the voice may be.
'Tis a proud free people calling loud
To a people proud and free.

And it says to them: "Kinsmen, hail! We severed have been too long. Now let us have done with a wornout

The tale of an ancient wrong; And our friendship last long as love doth And be stronger than death is strong." Answer them sons of the self-same race,
And blood of the self-same clan;
Let us speak with each other face to face,
And answer as man to man.
And loyally love and trust each other
As none but free men can.

Now fling them out the breeze, Shamrock, Thistle and Rose, And the Star Spangled Banner unfurl with these— A message to friends and foes, Wherever the sails of peace are seen And wherever the war wind blows.

message to bond and thrail to wake For wherever we come, we twain, he throne of the tyrant shall rock and

quake; And his menace be void and vain. For you are lords of a strong, young land And we are lords of the main.

Yes, this is the voice on the bluff, March We severed have been too long. But now we have done with a wornout tale, tale, The tale of an ancient wrong And our friendship last long as love doth

And be stronger than death is strong.

STRIKERS ASSAULT THE WORKMEN

Police Settle the Trouble Withou Serious Outbreak. LEWISTON, Me., March 29.-Great excitement prevailed here for a time today when the striking operatives of the Androscoggin cotton mills gathered about the gates of the corporation to endeavor to prevent the return of those who are willing to abandon the strike and resume work. About 1,200 persons were assembled near the gates before the usual hour for the help to go in. As those who were ready to work appeared the strikers endeavored to persuade them not to do so. When the efforts failed there was a disturbance. Agent Bean of the corporation, who ap peared in the midst of the trouble, was hi with a stone, but he was not injured. Sev-eral of the squad of police officers present were struck with stones and pieces of wood, but no one was seriously hurt. After the machinery had been started the strikers dis-

appeared.

About 200 of the 600 or more operatives went in yesterday. Agent Bean claims that about fifty more began work today and that now he has all the help he can use, in view of the small amount of machinery that can

be operated in the weaving department. Mrs. Paget Stops a Runaway. NEW YORK, March 29.—The cool head and prompt, steady nerve of Mrs. Almeric Hush Paget, daughter of ex-Secretary of the Navy William C. Whitney, were called into action last evening. They doubtless saved her life. She was the only occupant of an open carriage in a thrilling runaway, in which a footman was seriously injured.

Mrs. Paget, who was grasping the sides to keep her seat, evidently realized that her life depended largely upon her personal efforts to bring the horses to a stop. She got up and, leaning forward assisted the coachman to control the horses. At Second avenue the united strength of Mrs. Paget and the coachman checked the horses, and by the help of a policeman they were stopped. Hugh Paget, daughter of ex-Secretary of

PRINCETON, Ind., March 29.—The Patoka White and Wabash rivers centinue to rise The loss to crops and feaces will be very large. Trains on the Edulaville, Evansville & St. Louis cannot use the tracks between this city and Mount Carnet, Ill. The Evans ville & Tyrse Haute trains are still running.

Secretary Morse Consults with the Woman's Board of Managers About a Prospective Eduentional Exhibit.

Mrs. T. Vernette Morse of Chicago, executive secretary of the Central Art association, is in the city for the purpose of making arrangements for an exhibit which will be unique and attractive in its nature and a new departure in exposition displays. The Central Art association is a national organization whose purpose is to promote the love of the artistic among the people of the nation; to interest the public in the importance of educating the hand to execute what the mind has conceived; to acquire a knowledge of the properties, capabilities and value of raw material and its possibilities as a means of artistic expression, and to do a host of other things which the members believe will result in elevating the taste of

Mrs. Morse has come to Omaha to arrange for an exhibit to be made under the direction of the association, which chall be educatical along the lines covered by the plan of organization of the association. She is conferring with the officers of the Woman's Board of Managers regarding the matter. matter. The plan outlined by Mrs. Morse contemplates the occupancy of a space of about 1,500 feet in the Liberal Arts building. In this space she proposes to establish a house, either dividing the space into appropriate rooms or erecting a building. The rooms will be furnished in the most artistic manner. This does not imply that the furnishings will be elaborate or expensive. Mrs. Morse takes especial pains to impress upon her hearers that the object of the association is not to educate people in the desire for expensive things, but rather to instill into the public mind a knowledge of how to distinguish between the artistic and the crude. Nothing will be admitted to this house unless it is made in an artistic manner and put together in a substantial and workmanlike way. The furniture will be artistic and complete harmony will exist between the many articles of furnishing which will be installed in this model house.

The members of the Woman's board, who have been consulted in the matter, are inclined to look with great favor as the control of the loss of the Maine if it visible to the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible to state the control of the loss of the Maine if it visible the control of the control of the loss of the Maine in the control of the control of the co about 1,500 feet in the Liberal Arts build-

have been consulted in the matter, are inclined to look with great favor on the scheme and some of them express the conviction that its execution will mark the beginning of a new era in expositions and raise them above the level of commercial exhibitions or county

BARNABEE TESTS THE AUDITORIUM.

Sings from the Stage and His Companions Pronounce It Good. The exposition Auditorium has been dedicated and pronounced perfect by a board of experts. This may be surprising news to the exposition officials and those having direct charge of the Auditorium and of the music of the exposition. To the Bostonians belongs the credit of giving the first per-formance in the handcome structure. It all happened this way: When H. C. Barnabee began his career as the head of a traveling musical organization Colonel D. H. Elliott was his manager. Colonel El-

liott is now a resident of Omaha and is a special commissioner of the Transportation department of the exposition. He invited Mr. Barnabee and several other members of the Bostonians company to visit the exposition grounds and they quickly made up a party. When the grounds were reached the members of the party were simply overwhelmed with the magnificence of the preparations being made for the great transmississippl fair. They could scarcely express their astonishment at the magni tude of the scheme and the beauty of th entire grounds and buildings. They visited each building and inspected it with minute care, all the while reiterating their astonish ment at finding such magnificenc and evidence of enterprise in the west. Some of the women of the party succeeded in smuggl-ing kodaks into the grounds in spite of the watchfulness of the gatekeepers and snap shots at several of the buildings were taken

as mementos of the visit.
All this time Colonel Elliott had a scheme "up his sleeve" and he guided the party into the Auditorium. The huge structure has been finished inside and is ready for paintbeen finished inside and is ready for painting, but piles of debris are in evidence at many points. The sight of the stage was all that was needed to round out Colonel Editott's plan and Mr. Barnabee took possession of the wide platform, telling the others in the party of distribute themselves over the bourse will. to distribute themselves over the house he warbled. This was quickly done, and then Mr Barnabee sang "Palm Branches." As he finished the others applauded and all declared that the accoustics of the building were most excellent, even the emptiness of the house having no perceptible effect. Mr Barnabee sang a few more snatches end was joined by Marie Stone, who sang several short snatches from familiar works. Others of the party joined in and an impromptu joining in praising the excellence of the After passing upon the excellence of this structure the party visited other portions of the exposition grounds and were loud in their praise of the exposition and everything consected with it. Each member of the party voluntarily offered to become a walking advertisement of the exposition and to come with all his friends to see the show. HOTELS WITHHOLD INFORMATION

Bureau of Public Comfort Unable

Secure Desired Data. The Bureau of Public Comfort has sent letter to the proprietor of each of the fortyfive hotels in Omaha, asking him to send to the bureau certain information regarding his house. These data include figures as to the number of rooms in the house, the number of people who may be accommodated in ad-dition to the regular guests, the regular rates for room or board or both, and whether these rates will be changed during

the exposition. It has been nearly a week since these let ters were sent out and up to this time, with one or two exceptions, the leading hotels in the city have not made any reply. Chair-man Dudley Smith says a second letter will be sent out at once, urging all to reply to these questions who have not already done so. He says this information is absolutely necessary in order to conduct the Information bureau along intelligent lines.

A few of the replies which have been re-

ceived indicate that the regular rates now in force will be increased within the near in force will be increased within the near future. In reply to the question, "Will the rates remain the same during the exposition?" these replies contain a vigorous "No."

Chairman Smith says he will not commence making a canvass of the city until about May 1, as he believes that a great many people will change their residences about that time, and a canvass before that time would be worthless. Early in May he eays he will put on a force of men and have a careful house-to-house canvass made for the purpose of securing a complete list of all places where board or lodgings may be had. He has been corresponding with those having charge of similar bureaus in former expositions, and is cuiling from their replies the data which applies to Omaha in order to profit by the experience of these officials.

Planning a Band Stand. The band stand for the bluff tract is now engaging the attention of Mr. Walker, of the firm of Walker & Kimball, architectu-

will stand at the east side of the grand plaza, opposite the viaduct leading from the main court to the bluff tract. The design for main court to the bluff tract. The design for it has not yet been completed, but it has progressed far enough to make it certain that the structure will be a very handsome affair, resembling the proscenium arch and stage of a theater, although the arch and the back portion of the stage will be of a most peculiar shape, designed to set as a sounding board and throw the sound towards the people.

Model of Albuquerque. A very unique exhibit is being prepared under the direction of the New Mexico Expo under the direction of the New Mexico Exposition commission. When completed this exhibit will be a mode, is clay, of the city of Albuquerque, N. H. as it was fifteen years ago, showing its qualit adobe houses and the methods of life of the inhabitants. In contrast to this will be the Albuquerque of today. This work will be done by Mrs. J. N. Vogelgesang and her daughter, Mrs. Idalia Perkins. These women made similar models of New Mexican towns for the World's fair, which attracted great attention.

The Editorial Association of Southern California is arranging to come to the exposition in a body, after attending the meeting of the National Editorial association in Denver in September, and the Nevada Press association is making arrangements to to Omaha some time during the summer.

California Editors Pinn.

·Bids for a New Building. Bids for the construction of the Girls' and Boys' building will be opened at the Mrs. Morse has come to Omaha to arrange office of the Department of Buildings and Grounds tomorrow morning. COMMEND THE PRESIDENT'S STAND.

English Press Has Only Praise for the Message. LONDON, March 29 .- The Dally News says

editorially this morning:

The Daily Graphic says:

President McKinley's message is the work of a man of character and a statesman. Its moderation, perfect fairness and un-American avoidance of emotional verbosity must command the sympathies of the civilized world. The United States is fortunate in having the man of this gailibre at its head at this moment. His dignified appeal should strike a responsive coord in Spain, who cannot afford to be less handsome than this American. The message is in the legislative branch, and leads us to attach more importance than we otherwise should to rumors of a peaceful solution.

President McKinley's message is temperate and contains nothing that ought to wound the feelings of the most succeptible Spaniard. It has in no way verified the anticipation that he would throw down the gamming upon the question whether or not certain that he would throw down the gauntlet. This is a distinct gain. It must be admitted, with every desire to excuse Spain's reluctance to yield to pressure, that we cannot refuse our sympathy to the American peo-

If such an incident as the Maine's destruc-If such an incident as the Maine's destruc-tion had happened to us it would have been very difficult even for Englishment to pre-serve their boasted calm. We share the grief at the loss of a noble vessel and its crew, and we admire the patience and reserve of a democratic government under provocation and public excitement. The sentiments of England for America, which we hope are reciprocated, are expressed in the laureate's cordial verses.

Proceeding to dilate upon the "necessity for American support in the far east, where both England and America are ardently interested in keeping open trade," the editorial

For this reason, if for no other, we should deeply regret to see the Americans involved in a war with Spain, which could be of advantage to neither, and must cripple the strength of both. The Daily Chronicle says: "It is incon-

civable that the Spanish government should be so mad as not to meet the feeling of America, as evidenced in the Maine report and the president's message, half way."

The Morning Post thinks the signs are for peace, and takes it for granted there will be an armistice until October, Spain and the United States co-operating meanwhile for the relief of the suffering Cubans.

The Daily Telegraph and others comment favorably on the whole question.

The special dispatches from Madrid show that the press there does not reflect the more peaceful feeling of New York.
El Heraldo says: "If we must resort to
Quixotism, let us do it. The sooner the beter, before the Yankees can gain ground

Ei Liberal admits that "the day of trial has come for Spain." but says: "Having worked for conciliation with all our might, we won't retreat one line." The Epoca says: "Diplomacy has not yet said the last word, but it is our duty to pre-

pare even for war." The El Correo says: "These are the mo-ments when our people should show that our glorious traditions of patriotism and war have not lost ground, and that we are still

a nation of heroes and martyrs."

El Nacional, the mouthpiece of the Wey-leris: faction, thinks the conflict cannot be prevented, and that the government should act quickly. The Pall Mall Gazette this afternoon voices the general tone of the afternoon

newspapers of this city in saying that Presi-dent McKinley's message to congress "Gives Spain a broad way to escape," adding: "It does not contain a word which need ruffle a feather of Castilian punctilio. are evidently moving toward a peaceful set tlement." TRAIN GOES THROUGH A BRIDGE

Engine with Surgeons on Board Sen-

to the Scene. BLOOMINGTON, Ill., March 29 .- The local express mail train eastbound on the Big Four, leaving Bloomington at 9:10 a. m. today, went through a bridge over Kickapoo creek, three miles east of Bloomington. A switch engine with surgeces has been dispatched to the scene. It is reported a number of people were injured, but none killed. Another report says four persons were killed. It is definitely known now that no one was killed outright. One woman named Adams. It is definitely known now that no one was killed outright. One woman named Adams, Christian name not known, was the worst hurt. She is injured internally and may die. The bridge did not go down. The accident was caused by the flood throwing the track out of line. Nearly every person aboard was cut, wrenched and bruised, many very seriously. The worst hurt were taken to a farmhouse. Every car lies in the ditch bottom up. The engine did not leave the rails.

Murder an Eatire Family SAN ANGELO, Tex., March 29.-The who Lee family, consisting of father, mother and Lee family, consisting of father, mother and two small children, have been murdered on a ranch near Paint Rock. A man who gave the alarm states, that in the early part of the evening two men called at the Les house and asked to be allowed to stay during the night. They were denied accommodations. Later in the night he awoke to find two men in the house, and as he ran he was fired upon by them. As as was the weapon used for murdering the victims. The country is being coursed by officers in an at-

CITY DID NOT PROVE ENOUGH

The children is alleged in the petitions, but it was with the distinct understanding that the plaintiffs should surrender possession. It is further alleged that the children are now provided with good homes, much better than the plaintiffs can or could furnish.

LOSES CASE ON QUESTION OF PRACTICE

Judge Slabaugh Rules that Under the Garbage Ordinance the Plaintiff Must Make a Most Definite Showing.

In the case of the State of Nebraska igainst Christ Anderson, wherein the defendant is charged with violating the city rdinance which provides for depositing garbage and other material at the place within the city limits which may be designated by the Board of Health, a very interesting the Board of Health, a very interesting he was the attorney for the defendants in question was passed upon by Judge Sla- a suit that they had with P. J. Creedon, and baugh, involving the question of that in performing legal services he earned charging the offense and necessarily involving therefore the question of proof in such The decision does not affect the case. ordinance in any manner, but goes to the necessary averments which must be made in a complaint in charging a person with its violation. The ordinance provides, in substance, if any person or persons, etc., shall deliver or deposit garbage, etc., in any other place or places within the corporate limits of the city of Omaha or within three miles of the limits thereof, except at such place or places as may be designated by the Board of Health, shall be fined, etc. The About eight years ago he came to Omaha

of the city of Omaha.

It was contended on the part of the defendant that the city must both allege and prove not only that the defendant unlawfully did deposit garbage within the city of Omaha, but that he did deposit it in a place of work and little by little he omat designated by the Board of Health. In wrote home for assistance, but to no purpose designated by the Board of Health. In Both of his parents were dead and the city of his parents have been city of a city of his parents were dead and the city of his parents his parents are city of a city of his parents and his parents are city of the city of his parents are city of his must allege and prove what is known in hiw as a negative everment.

OLD PRACTICE CHANGED.

The court in passing upon the question went thoroughly into the subject of negative averments, distinguishing the cases in which they as exceptions and provisos in dealt with in tomorrow's presidential message.

General Woodford's dispatch comes just in time to a just determination of the character of that communication. The situation may thus be summarized:

The United States is willing to stifle its resentment for the loss of the Maine if it receives satisfaction with regard to the Cuba of the future. It is a generous componing and Spain will do well to be wise in time.

The Dally Graphic says:

statutory crimes must be provided and as held by courts years ago was that when one section of a statute provided for a driver and another section following it provided an exception thereto, that the crime and the exception being in different sections of the law, it was not necessary to allege in your complaint that the party charged did not come within the exception. But that modern law writers and recent decisions of the courts hold that the position cisions of the courts hold that the position of the clause excepting from the general into and become a part of the decription of the offense charged. If it does, then in charging a person with violation of a law or ordinance it must be alleged that the does not come within the exception to its provisions, but that rule, although definite in statement, has not been clearly understood by the courts, as will be observed in the case of Gee Wo against the state, decided in 1893, and which has been overruled in lawful practice of medicine must be charged in the information. The question is also indirectly passed upon in the late case of Moore against the State, wherein the ques-tion of the punishment of persons as a class is described. But the better rule to follow and the best test the court observed was this: Wherever a law charges a general prohibition of a thing, which prohibits all classes and conditions alike, but which is followed by an exception, under certain cases and conditions, that in such cases it is sufficient to plead the general violation of the law without reference to the fact that the defendant is not one coming within the exceptions thereto, and that where there is no general prohibition relating to all persons and conditions alike, then the cention is a part of the description of offense, and the exception as a negative averment must be alleged; that is that the defendant does not come within the ex-ception in the enacting clause.

WHAT MUST BE SHOWN. "In the case at bar," the court said, "the ordinance does not prohibit generally all persons depositing garbage within the city limits.

In fact, as a city it could not so do. It would be like a man saying, I shall prohibit the dumping of my ashes upon my own ground, thus causing them to be dumped. own ground, thus causing them to be dumped on my neighbor's. The idea of the city providing for the disposition of its own garbage presupposes, without any permission outside, that it will be dumped at some place within the city limits, and the ordinance impliedly says the same. When it says any person who shall deposit garbage in any other place within the city, except at places designated, shall be fined, that is, it impliedly says that garbage may be deposited in the city limits at designated places. Then impliedly says that garbage may be deposited in the city limits at designated places. Then applying the test above referred to, had the ordinance read and had the city the authority to make it read in substance as follows: 'No person shall deposit garbage within the city limits, except under certain conditions.' Such general prohibition would permit an authority in the complaint that the defendallegation in the complaint that the defend-ant did unlawfully deposit, etc., but when the ordinance inferentially says a person may deposit garbage within the city limits without the general prohibition as to all persons, the pleader must allege that the defendant did unlawfully deposit garbage within the city limits at a place not designated by the Board of Health."

The ruling of the court necessitates a different processitates and income the court of the court

ferent kind of proof than would have been necessary had the complaint been sustained. that is, it will necessitate showing on the part of the city, by the proper authorities, that the deposit referred to was at a place not designated by the authorities, and the complaint was therefore deemed insufficient

Dismisses More Appeals. Judge Slabaugh disposed of another bunch of city cases that had been appealed from the police court. Of the fifty cases, all excepting two or three were dismissed, owing fact that the city was without tectinony with which to prosecute. prosecutor, in speaking of the matter; said that he could do nothing but dismiss the casts. His testimony, he said, had been scattered, and most of his witnesses had left the state.

Housekeeper Recovers. For two days a jury in Judge Keysor's court has labored with the issues in the case of Mrs. Verna Davies against Wink Taylor, a former proprietor of the Mercer hotel. The woman sued for \$49, alleging hetel. The woman sued for \$49, alleging services rendered as a housekeeper. The case was given to the twelve men and they have returned a verdict, finding for the plaintiff and assessing her damages at \$2.20.

Suits Against Mining Officers. The county attorney has filed an information against B. J. Scannell, Louis Schroeder and the other incorporators of the Ocampo Mining and Milling company, asking that they be ousted from office. He alleges that they have taken to themselves the fran-chises and privileges of the company, con-trary to the wishes of a majority of the stockholders of the company.

In the case of Susan Horn and Ben Dodd against the Nebraska Children's Home society, wherein the defendants brought pro-ceedings in the district court to gale pos-session of their children, who were given HYDRANT ORDINANCES VOID

Orders for Location of Fire Plugs of No. Effect Whatever.

REMARKABLE OVERSIGHT OF COUNCIL

Failure to Recognize the Existence of the Omaha Water Company Leads to a Ludlerous Complication.

Chairman Burmester of the council committee on fire and water has made the somewhat startling discovery that all the hydrant ordinances that have been passed since the local water plant passed to the Omaha J. N. H. Patrick in an action to recover Water company are practically void. Thesethe sum of \$4,700. The plaintiff alleges that ordinances are made out on printed forms which merely leave blanks to be filled out with the location of the hydrant, the size for the recovery of which he has of pipe to be used and other details. The body of the ordinance is the same in each case and is printed on the blanks. The printed matter begins by providing that the Outcast Because of a Marriage and "American Water Works company be ordered, etc.," and in some unaccountable W. H. Kirkland, a consumptive, was before manner the council had never taken judicial Judge Gordon in police court on a charge notice that the water works plant had of vagrancy and his wife was also a prispassed into new hands. Members who have introduced hydrant ordinances have filled out. oner, charged with immorality. The couple the blanks without changing the name of the company and they have been passed in About eight years ago he came to Omaha from a small town in central Iowa, where complaint in the case passed upon and the sufficiency of which was questioned by a motion to quash and dismiss alleged, in substance, that the defendant unlawfully did deposit garbage within the corporate limits of Eva Martin, who was then an inmate will introduce an ordinance repealed and new ones passed in which the water company is properly designated. Councilman Burmester is looking up the files to secure a full list of the defective ordinances and will introduce an ordinance repealing them. WHERE DE BANAN MAY BE SOLD.

Council Will Limit the Scope of Action

of the Push Cart Men. In deference to the frequently repeated demands of down-town business firms the city council will proceed to deal with the alleged nulrance that arises from the congregation of fruit peddlers on the princimarriage he had contracted and cast him pal business blocks. The banana cart must go and an ordinance carrying the edict into-

bother them any more. He was informed effect has been introduced.
In addition to the compliants filed by busthat after the death of his mother the chil-dren at home had induced his father to make iness men the members of the council cona will in which he was not recognized tend that it is eminently desirable that because it was then believed that he was some limit should be placed on the peregrina-Matters ran along from bad to morse unit; several weeks ago, when Kirkland managed to get together enough money to bring him and his wife back to Omaha. The couple took up their abode in a questionable quarter of the city and Monday night the police took them in without anything the several of the festive banana merchants during the exposition summer. It is not proposed to evict him from the face of the earth, but he will be compelled to keep away from a certain district, which, it is believed, should be kept as free from obstruction as possible while the city is througed with exposition the police took them in without enything more to warrrant the arrests than the past visitors. For this purpose a dead-line will be drawn around the business district and of the clause excepting from the general provisions is immaterial and that the sole question is now, does the exception enter into and become a new of the exception enter cashed for a friend. the license inspector. Permits will be granted occasionally for a cart to stand at a certain place, where it will not be an obstruction, and if the vender moves from this CASH FOR POOR FARM JUDGMENTS. place to any other within the prescribed district he will be liable to arrest and the County Commissioners Rendy to Make

loss of his liceuse.
The boundary of the territory which will anticipated with considerable satisfaction by runs from Seventeenth and Cuming streets numerous residents of the county. There south to Douglas, on Douglas to Nineteenth, on Ninetecuth to Douglas, on Douglas to Nineteenth, on Ninetecuth to Harney, on Harney to Seventeed in a financial way by this meeting. These parties are those who bought lots in Douglas addition, the sale of which has been declared void.

Today the county commissioners will Today the county commissioners will on Flitecuth to Cuming, and on Cuming to-

pass the appropriation sheet, providing for the point of beginning, the payment of all claims arising by reason No additional fee will be required for special permits to stand kislde this boundary, the only object being to give the license inas soon as it is passed the auditor will draw apector a means of regulating the peddlers warrants in favor of the claimants. It is not expected that all of the claimants will they obstruct traffic or interfere with the business of establishments that pay rent and taxes. The ordinance also gives the inspector authority to designate where all fruit and confectionery stands shall be located inside the limit, and contains some more explicit regulations in regard to the use of the sidewalks for the display of goods.

> Mortality Statistics. The following births and deaths were reported at the health office during the twentyfour hours ending at noon yesterday:

Births-John Benson, Eighth and Paul streets, boy; Edward Kuppig, Twentieth and Manderson, boy; Henry Glesing, 3238 Cull-fornia, girl; Carl F. Palm, 2907 Parker, girl; Carl E. Balbach, 1006 North Thirty-ninth, boy; John McBride, 510 Poppleton avenue, boy; Samuel Livingstone, 640 South Twentyeighth, boy. Deaths—Alice Kelly, 73, 1213 Park Wilde ernment inspector of United States public

avenue, Holy Sepulcher; S. M. White, 77, 818 South Thirty-third, pneumonia, Evergreen. Kountse Appeals the Case.

In the cese of Herman Kountze, executor of the estate of Elizabeth Kountze, deceased, against the city of Omaha, and which was decided by Judge Fawcett some days ago, the plaintiff has appealed. Kountze sought to restrain the city from paving Seventeenth street, from Harney etreet to St. Mary's avenue. He contends that the city has no authority to order the paving unless the same was petitioned for by a majority of the frontage of the street. Judge Fawcett held that the charter provision giving the council power to order paving within 3,000 feet of the court house is good.

Without a Plumbing Inspector. Plumbing Inspector Clausson's resignation

is in effect and he has gone to his new location at Fort Worth, Tex. In the meancation at Fort Worth, Tex. In the mean-time the office is vacant and the animated controversy as to who shall fill it continues. Mayor Moores said this morning that he had not decided whom he would appoint and would not be likely to make it tonight. There is no necessity for haste, and some of the different elements that are clamoring for Henry Campbell Found Dead in His Henry Campbell was found dead yesterday the place would be given a further oppornorning in a small house back of the engine tunity to get together.

Building Permits.

A permit was lesued yesterday to the Norwegian Danish Lutheran church society to build a frame church at 1014 North Twenty-sixth street. The building will be 30x48 feet and will cost about \$3,000.

Montgomery Ward & Co. of Chicago have been granted a permit to build an exhibition building on the exposition grounds to cost

\$4,000.

J. H. Fitch is on trial in the federal court on the charge of embezzling and converting to his own use pension money belonging to J. L. Chapman, an insance soldler. Fitch was appointed the soldler's guardian in 1833, and it is alleged that from that time until some time in 1896 he collected some \$278 of the soldier's pensions and used it. The soldler is now in the insane asylum at Lincoln.

Case Against Cliff Cole. The preliminary hearing of the gambling cases against Cliff Cole and others will begin in police court this morning, if the defendants conclude not to waive trial. The understanding is, however, that the cases will be carried direct to the district court.

Charged with Incorrigibility. Mary Hinckey, aged 16 years, was arrested at her home, corner of Fourteenth and Oliver streets, on a charge of in-corrigibility preferred by her foster mother, it is the latter's purpose to confine the girl in the Home of the Good Shepherd at South

Manager O'Brien of the Omaha Base Ball club is still in Chicago. He was expected club is still in Chicago. He was expected home yesterday, but was evidently detained. Meanwhile the work on the grounds is being pushed as rapidly as possible and the bids for the construction of the grand stand will probably be opened this afterment. If the grounds are not in condition the team will probably practice at maba grounds for a few days. Priend Will Bury Anderson. The body of George Anderson, who committed suicide at the county hospital, is still at the coroner's office, but a friend of Anderson's named Hansen has expressed his intention of having the body interest Springwell cometery.